

## **REMARKS**

Claims 1-30 are rejected in the Office Action. Claims 1-3, 5-7, 10, 12-13, 16, and 19-29 are amended, and claim 9 is cancelled. Accordingly, claims 1-8 and 10-30 remain pending.

### **REJECTIONS UNDER 35 USC §101**

In "Claim Rejections – 35 USC §101" on page 2 of the above-identified Office Action, the Examiner rejects claims 22-30 as being directed to non-statutory subject matter. More specifically, the Examiner asserts that the machine-accessible media of claims 22 and 26 are not limited to tangible embodiments, and thus is not limited to statutory subject matter. Further, the Examiner asserts that claim 29 is simply software per se.

In response, Applicants have amended claims 22, 26, and 29, obviating the Examiner's rejections.

### **REJECTIONS UNDER 35 USC §102**

In "Claim Rejections – 35 USC §102" on page 4 of the above-cited Office Action, the Examiner rejects claims 1, 3-5, 8-15, 22, and 24-25 as being anticipated by U.S. Patent No. 7,155,425 to *Nykanen* (hereinafter "Nykanen") under 35 USC §102(e).

Amended claim 1 recites a "method for an intermediary device to provide responses to discovery requests for services when a registry of services is unavailable, comprising:

receiving, by the intermediary device, from a client a discovery request for a service;

determining, by the intermediary device, whether the registry is unavailable, the determining including determining an online client state or offline client state of the client indicative of whether the client is communicatively coupled with the registry;

altering, by the intermediary device, the discovery request into a modified request appearing to originate from the intermediary; and

if the registry is determined to be unavailable, queuing, by the intermediary device, the modified discovery request for delivery to the registry when it becomes available."

In contrast, Nykanen fails to teach or suggest determining whether a registry is unavailable "the determining including determining an online client state or offline client state of the client indicative of whether the client is communicatively coupled with the registry", and "if the registry is determined to be unavailable, queuing, by the intermediary device, the modified discovery request for delivery to the registry when it becomes available" as is claimed in amended claim 1.

Rather, Nykanen simply teaches an intermediary knowledge engine of a server capable of submitting UDDI discovery requests on behalf of a wireless device. As illustrated in Figure 4B of Nykanen, the server receives the UDDI discovery request from the client, makes the request of the UDDI registry, provides results to the client and updates the client's profile based on the results.

Nykanen, however, does not disclose determining whether the registry is unavailable, where the determining includes "determining an online client state or offline client state of the client indicative of whether the client is communicatively coupled with the registry", as is claimed in claim 1. While determining whether the server is able to connect to the registry before making the request of the registry is arguably inherent, such determining is not what is claimed by claim 1. Rather, claim 1 recites that the determining comprises determining, by the intermediary, whether the client is communicatively coupled to the registry. Such determining is neither expressly nor inherently disclosed in Nykanen.

On page 6 of the Office Action, the Examiner claims that "determining an online client state or offline client state of the client indicative of whether the client is communicatively coupled with the registry" (formerly recited by now-cancelled claim 9) is taught by Nykanen's recital of the client's capability of operating in an offline mode. Applicants respectfully disagree. No determination of registry availability is disclosed as being dependent on whether the client in Nykanen is operating in an offline mode. Further, the offline mode in Nykanen simply refers to the client's ability to retrieve

results of previous UDDI queries that have been stored in a user profile. These client operations are entirely independent of the server operations illustrated in Figure 4B of Nykanen. The server never determines registry availability based on the client offline operational status of Nykanen, as the server never even receives a discovery request if the client is operating in that mode. Thus the client's ability to operate in an offline mode, disclosed by Nykanen, does not teach or suggest the "determining, by the intermediary device, whether the registry is unavailable, the determining including determining an online client state or offline client state of the client indicative of whether the client is communicatively coupled with the registry" claimed in claim 1.

Further, nothing in Nykanen teaches the queuing of modified requests to the UDDI registry if the registry is unavailable. Nykanen simply discloses the server making the request on behalf of the client upon receiving a request from the client. Nykanen does not discuss what to do when the registry is unavailable. Thus, such queuing is not expressly disclosed by Nykanen. Additionally, such queuing is also not inherent in Nykanen. For example, the server, upon determining that the registry is unavailable, could simply send the client an error message and discard the request.

Accordingly, amended claim 1 is patentable over Nykanen under §102.

Independent, amended claim 22 includes in substance the same recitations as described above for amended claim 1. Thus, for at least the above stated reasons, claim 22 is patentable over Nykanen under §102.

Claims 3-5, 8-15, and 24-25 depend from claims 1 and 22, respectively, incorporating their limitations. Thus, for at least the same reasons discussed above, claims 3-5, 8-15, and 24-25 are patentable over Nykanen under §102.

### **REJECTIONS UNDER 35 USC 103(A)**

In "Claim Rejections – 35 USC §103" on page 8 of the above-cited Office Action, the Examiner rejects claims 2, 6, 7, 16-21, 23, and 26-30 as being unpatentable over Nykanen in view of U.S. Patent No. 7,149,892 to *Freed et al.* (hereinafter "Freed") under 35 USC §103(a).

Claims 19, 26, and 29 include limitations similar to those of claim 1. Accordingly, for at least the same reasons, claims 19, 26, and 29 are patentable over Nykanen.

Freed does not cure the deficiencies of Nykanen. Thus, claims 1, 19, 22, 26, and 29 remain patentable even when Freed is combined with Nykanen.

Claims 2, 6, 7, 16-21, 23, and 26-30 are dependent on amended claims 1, 19, 22, 26, and 29, respectively, incorporating their limitations. Therefore, for at least the same reasons discussed above, claims 2, 6, 7, 16-21, 23, and 26-30 are patentable over Nykanen and Freed, alone or in combination, under §103.

### **Conclusion**

Applicants respectfully assert that claims 1-8 and 10-30 are in condition for allowance. Entry of the foregoing is respectfully requested and a Notice of Allowance is earnestly solicited. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
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